

# Military Deposits Under USERRA

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**Benefits & Work Life Program Manager**



# Agenda

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Define Major Provisions of USERRA & Affects on Employees

Review Creditable Military Service

Discuss USERRA Deposit Rules, Requirements & Deposit Costs

Explain Interest Accrual Dates

Counseling Employees

Forms

Questions & Answers

# Absent-US Definition

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## ABSENT-Uniformed Service

- When an employee is absent to perform duty with the uniformed services and has reemployment rights under USERRA – 38 U.S.C. Chapter 43
- NOAC – 473; Authority Code Q3K or Q3K and QRD
  - Service is not qualifying for reservist differential provision in 5 U.S.C. 5538; 5 CFR Part 353
  - Service is qualifying for reservist differential provision in 5 U.S.C. 5538 (i.e., service is qualifying regardless of whether differential is actually payable)

# USERRA Purpose

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- Protects reemployment rights of non-career and career Veterans, Reservists and National Guard Members
- Prohibits an agency from discrimination against or taking reprisal against an applicant or employee because of his application, membership, or service in the uniformed services
- Prohibits employment discrimination on basis of past, present or future military obligations

# Public Law (P.L.) 103-353

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- Signed by President Clinton October 13, 1994
- Completely rewrote Chapter 43 of title 38, U.S.C.
- Made many changes affecting provisions, rights, and effects on benefits / service credit deposits lesser of the two
- Made certain National Guard service creditable for the first time and allowed service credit with military deposit
- Includes interrupted service followed by reemployment in civilian service on or after August 1, 1990 (RTD)

# Historical Facts Prior to USERRA

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Prior To December 12, 1994

- Employee's Agency Status:
  - Separation-US or LWOP
- Creditable Service **Under 6 Month Rule**
- No Service Credit Provided for National Guard
  - (Even if Employee Returned to Duty)
- No Military Service Deposit Allowed

# Basic USERRA Protections

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- USERRA Protections Apply To All Employees:
  - **In a permanent**, temporary, part-time, probationary, or seasonal employment position
  - On a time-limited appointment with entitlement to complete any unexpired portion of his/her appointment upon reemployment.

**NOTE:** If military service extends beyond the appointment not-to-exceed date, the employee is not eligible for reemployment.

# Basic USERRA Protections

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➤ Prohibits Discrimination Against:

- Initial Hiring
- Promotions
- Retention In Employment
- Any Employment Advantage
- Reduction In Force (RIF) while on active duty



➤ Ensures Benefits During Active Duty Service

➤ Provides Prompt Restoration To Duty & Benefits Reinstatement

- Up To 5 Year Cumulative Total For Reemployment Rights



# Basic USERRA Protections

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- Provides that a person alleging a violation may file a complaint with:
  - The Department of Labor Veterans' Employment and Training Service (DOL/VETS)
  - Merit Systems Protection Board (MSPB)
- Assistance is also available from the Employer Support of the Guard and Reserve (ESGR)

# Creditable Military Service

## All Armed Forces Service Voluntary or Involuntary

- Army
- Navy
- Air Force
- Marine Corps
- Coast Guard
- Regular Corps or Reserve Corps of the Public Health Service (service was performed after June 30, 1960)
- Commissioned Officer of NOAA (service was performed after June 30, 1961)

## Other Service Creditable As Military Service

- U.S. Naval Academy Midshipman
- U.S. Military Academy Cadet
- U.S. Air Force Academy Cadet
- U.S. Coast Guard Academy Cadet
- Naval Reserve Officers Training Corps (NROTC)
- Army Reserve Officers Training Corps (AROTC)
- National Guard Service

# Honorable Discharge Required

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## Creditable

- Under Honorable Conditions:
- Separation Because of Hardship
- Transfer to Retired List Because of Age or Disability
- Transfer to Fleet Reserve
- Furlough to Reserve Forces
- General Discharge (Under Honorable Conditions)
- Death In Action

## Not Creditable

- Dishonorable Discharge
- Under Less Than Honorable Conditions or Other Than Honorable
- Undesirable
- Bad conduct
- Unfitness
- Desertion
- AWOL (Lost Time)
- Inactive Duty Training (IDT)

# Title 32 Non-Creditable Service

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- National Guard Service that precedes Federal Civilian Service
- Service that did not meet all requirements under P.L. 103-353 and
  - was not followed by reemployment within the 5-year limit that may have occurred **on or after August 1, 1990**



# Retired Military Service

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Military service for which employees are in receipt of Military Retired Pay is **NOT** creditable unless:

- Receiving Combat Incurred Disability Pay
- Receiving Reserve Retired Pay Under Chapter 67 (Sections 12731-12739, Title 10)
- Service not used in computation of military retired pay
- Employee submits a waiver of military retired pay at the time of civilian service retirement

*Note: Employee can receive credit on the civilian side and continue to receive military retired pay until retirement from civilian service*

# Military Deposits

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Individuals who performed military service on or before December 31, 1956, receive full credit for this service under CSRS and FERS. No deposit is required; *it's free*.



# Military Service Deposits

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- Two calculations are required ONLY when employee exercises their restoration rights
  
- Employee pays lesser of:
  - CSRS: 7% of the military base pay received or 7% of what the civilian earnings would have been\*
  - CSRS Offset: 7% of the military base pay received or .8% of what the civilian earnings would have been
  - FERS: 3% of the military base pay received or .8% of what the civilian earnings would have been\*
  - FERS-RAE: 3% or 3.1% & FERS-FRAE: 3% or 4.4%

*\*Note: Percentages may vary depending on the dates of service*

*\* Interest Rate Exception: 1999 & 2000*

**Plus Interest**

# Impact on Retirement

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If Separation-US or Absent-US under Title 10 & Title 32 with proper restoration; then creditable service applies if:

**CSRS hired prior  
to 10/01/1982**

**Time is creditable  
without deposit  
required (subject to  
Catch-62)**

**CSRS hired on/after  
10/01/1982 or FERS**

**Time only creditable if  
military deposit paid  
(FERS always pay to  
play)**



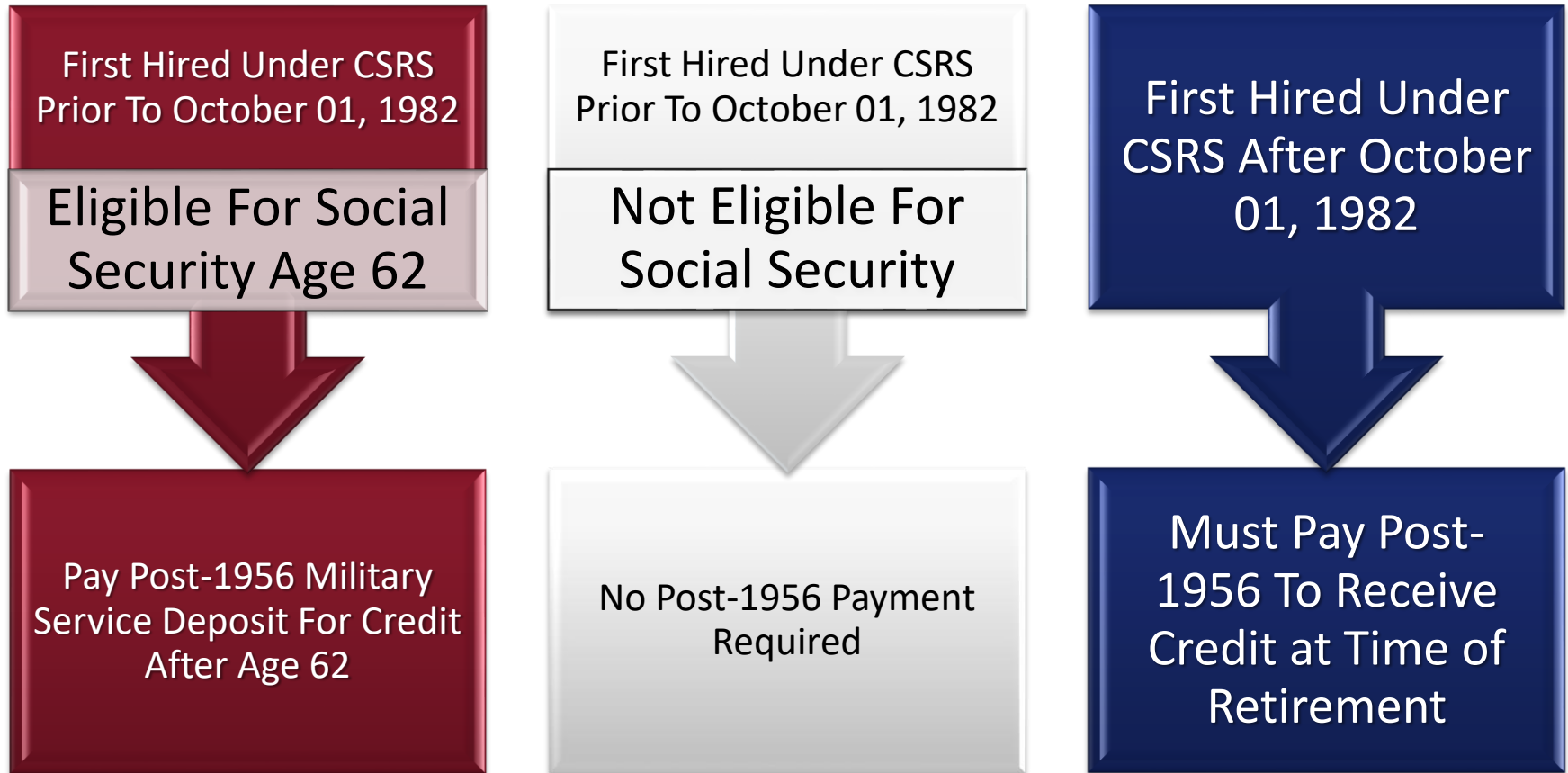
# CSRS – “Catch-62”

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- First Hired Under CSRS Prior to 10-01-1982
- Eligible for Social Security at age 62
- Military Deposit Not Paid
- Results = Recalculation of Annuity Minus Military Service (occurs at age 62)

*Note: Reduction will occur at age 62 whether the retiree applies for Social Security benefits or not.*

# CSRS – Post-1956 Military Service Credit



# CSRS – Military Service Example

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**Name:** Amy Zinger

**Retirement system:** CSRS (25 years)

**Military Service:** U.S. Navy 3yrs 0mos 0days

**High-3 average salary:** \$30,000

**Deposit amount:** \$2,500

**Social Security credits:** 44

# CSRS – Military Service Example

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Total Creditable Service:

25 Years of Service (CSRS)  
+ 3 years U.S. Navy  
= 28 years

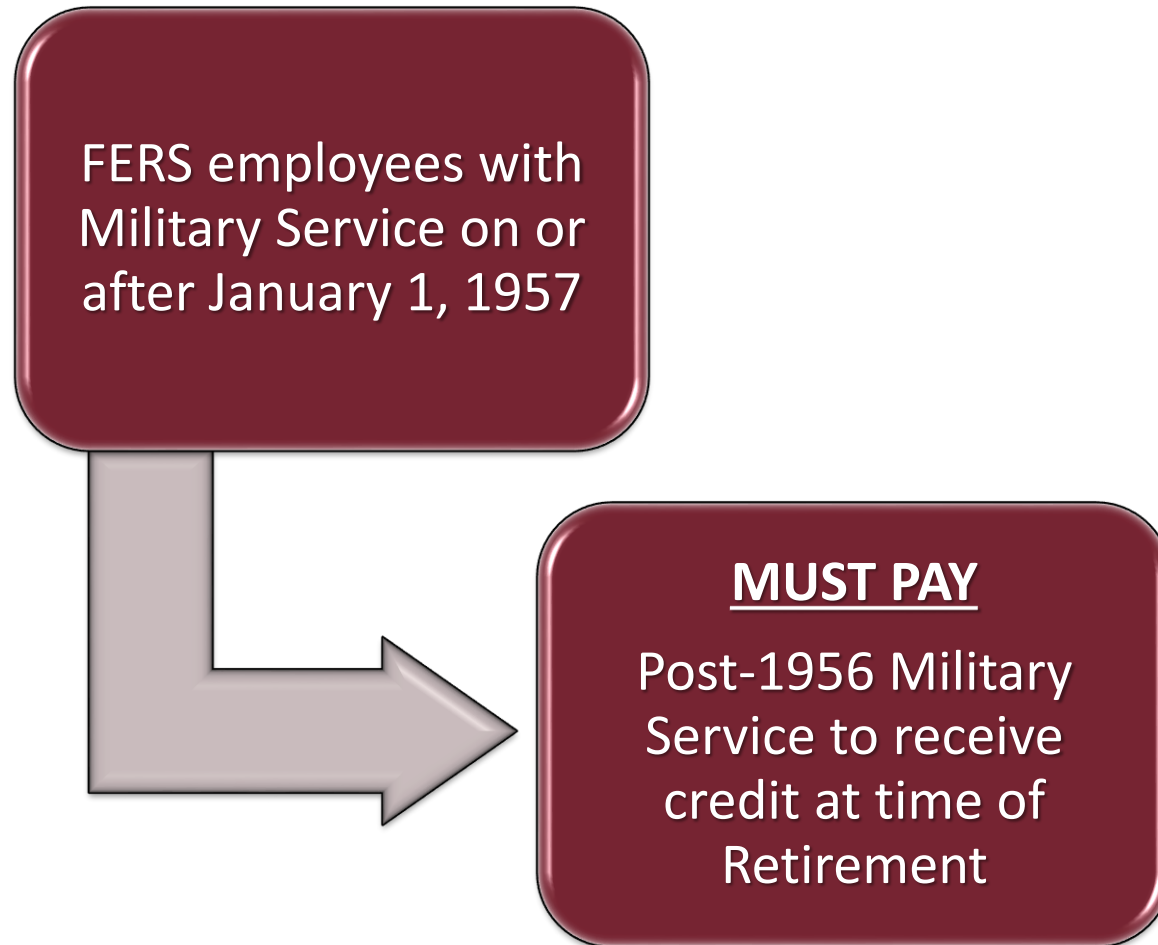
52% of \$30,000 (High 3) = \$15,600 per year or  
\$1,300 per month

Amy's annuity will continue until age 62.

If Amy's military deposit is **NOT** paid, OPM will recalculate her annuity subtracting the 3 years of her military service.

# FERS – Post-56 Military Service Credit

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# FERS – Military Service Example

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**Name:** Louie Armstrong  
**Retirement system:** FERS (11 years)  
**Military Service:** U.S. Air Force 5yrs 0mos 0days  
**High-3 average salary:** \$30,000  
**Deposit amount:** \$3,000

# FERS – Military Service Example

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Total Creditable Service with deposit:

11 Years of Service (FERS)  
+ 5 years U.S. Navy  
= 16 years

16% of \$30,000 (High 3) = \$4,800 per year or  
\$400 per month

With deposit Louie's annuity increased by \$1,500  
annually

# FERS – Military Service Example

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Total Creditable Service:

11 Years of Service (FERS)  
= 11 years

11% of \$30,000 (High 3) = \$3,300 per year or  
\$275 per month

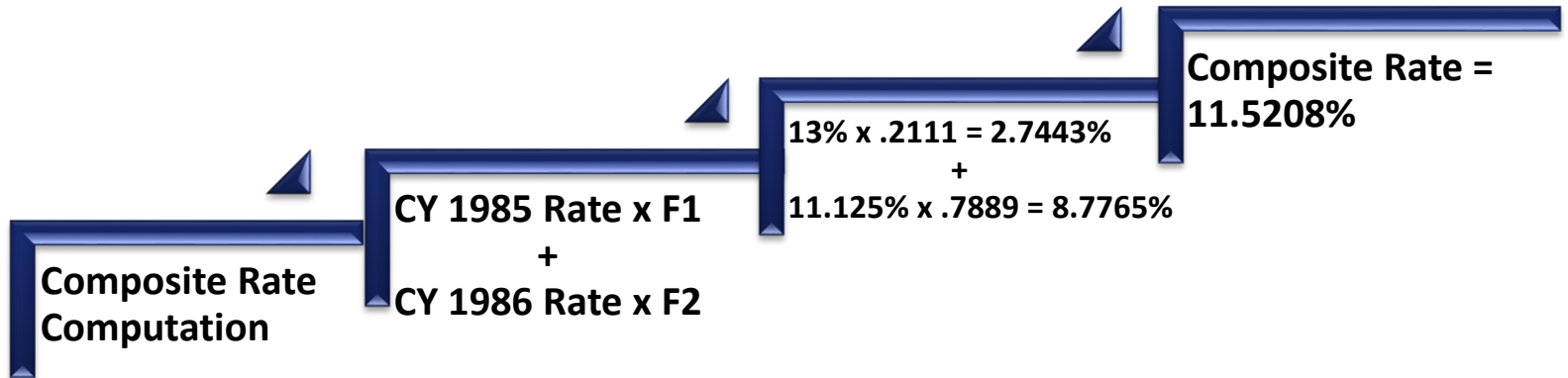
Under FERS rules if **Louie's military deposit is NOT paid he** will only receive credit for his FERS civilian service.



# Interest Accrual on Military Service Deposits

- 2-year interest free period to make a deposit for periods of military service
- Interest free period begins when the employee returns to duty and ends 3 years from that date **known as the Interest Accrual Date (IAD)**
- Interest is added to any remaining unpaid balance on every IAD anniversary date until the deposit is paid in full
- Interest rates are computed based on a calendar year; therefore
- Two interest rates may apply since interest accrual periods usually do not coincide

# Composite Interest Rate



# Interest Accrual Dates Example

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**Employee:** Active duty service (**08/17/2009 - 08/17/2012**)  
Returns to covered position on **08/19/2012**

**IAD: 08/19/2015**

**HR Specialist:** Employee's IAD is established as 08/19/2015 because it is the date the employee returned to his/her covered position. On the IAD of **08/19/2015** one year of interest will be added to the employee's unpaid balance.

# Human Resources Responsibilities

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## Counseling Employees

### Counsel Employees on:

- Deposit Options
- Provide Two Calculations
- Review Best Options & Deposit Requirements

# Counseling Employees

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- Upon Notification, Request Supporting Documentation (if possible)
- Use Uniformed Service Checklist
- Review Restoration Rights
  - Time Limits
  - Notification Process

# Refunds of Military Deposit

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## **Military Deposits are not refundable unless:**

- Deposit was made in error (service is not creditable)
- Waiver of Military Retired Pay not submitted
- Deposit is not made/incomplete

# Military Service Deposit Process

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- Employee obtains record of military estimated earnings by completing and submitting the Form RI 20-97
- Employee applies by completing a SF 2803A OR SF 3108A
- Employee makes payments to agency (DFAS Payroll)
- Deposit must be paid in full at agency before retirement

# Required Documents

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## ALL Documents Must Include

- Rank
- Type of Service (Title 10)
- Character of Discharge
- Lost Time
- Beginning & End Dates of Service



# Required Documents

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## Documents Accepted For Computing Earnings

- DD Form 214 (Most Common)
- Letter from the Military Academy
- Academic Record of Classes
- Any Official Letter on Agency/Unit Letterhead
- NA Form 13038 Certification of Military
- AF Form 1613, Statement of Service
- NA Form 13041
- NA Form 13072
- NA Form 13165

# RI 20-97 Estimated Earnings

United States  
Office of Personnel Management  
Retirement Operations Center  
Boyers, Pennsylvania 16017

**Estimated Earnings During Military Service**

Instructions: Use a separate RI 20-97 for each branch of service. Attach DD 214 or the equivalent and any available records of pay or promotions. The pay center cannot provide estimated earnings without verification of service. The requester must complete blocks 1 through 10 and block 19. Visit the Defense Finance and Accounting Service website for the address to send this form and request your earnings at: [www.dfas.mil/civilianemployees/customerservice](http://www.dfas.mil/civilianemployees/customerservice).

1. Name (Last, first, middle)

2. Other names used

3. Social Security Number      4. Date of birth (mm/dd/yyyy)

5. All military service numbers

6. Branch of service

The uniformed services must provide Federal employees' estimated basic pay for military service they performed after December 31, 1956. This is needed to make a deposit to the Civil Service Retirement and Disability Fund for retirement credit. Please provide the estimated basic pay earned by the person named above.

7. Signature of requester      8. Relationship to person named  
☐ Person named is requester      ☐ Survivor  
☐ Other (specify):      9. Date

10. Active military service after December 31, 1956 (Dates indicated below must be based on DD 214 or equivalent certification.)

From (mm/dd/yyyy)	To (mm/dd/yyyy)	From (mm/dd/yyyy)	To (mm/dd/yyyy)	Rate of Basic Pay	Earnings	Type of Discharge

11. Authorized Official of Retired Pay Center completes blocks 11 through 18.

**Estimated Earnings (Base Pay)**  
Do not provide estimated earnings for any period of service prior to January 1, 1957.

12. If period of service began before and ended after December 31, 1956, enter date service actually began. (mm/dd/yyyy)

13. Lost time  
☐ None      ☐ Number of days  
☐ Inclusive dates

From (mm/dd/yyyy)	To (mm/dd/yyyy)	From (mm/dd/yyyy)	To (mm/dd/yyyy)

14. Signature of authorized official furnishing estimate      15. Date      16. Telephone number (including area code) (   )

17. Typed name of authorized official      18. Title of authorized official

19. Requester's name and address (Return this completed form to address below)

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RI 20-97  
Revised May 2013  
Previous editions are not usable

# Standard Form 2803



## Application to Make Deposit or Redeposit Civil Service Retirement System

Form Approved  
OMB No. 3206-0134

To avoid a delay in processing your claim:

1. Read the attached information carefully.
2. Type or print in ink.
3. Complete Part A in full. If you are currently a Federal employee, have your employing agency complete Part B.

### Part A. To be Completed by the Applicant

1. Name (Last, first, middle)	2. List other names you have used	3. Birthdate (mm/dd/yyyy)
4. Address (Number and street)  (City, state and ZIP Code)	5. Department or agency in which presently or last employed, including bureau, branch, or division	6. Social Security Number
9. Have you previously filed any application under the Civil Service Retirement System (CSRS)?  <input type="checkbox"/> Yes, complete items 9a and 9b <input type="checkbox"/> No	9a. Type of application  <input type="checkbox"/> Service credit payment <input type="checkbox"/> Voluntary Contributions Account <input type="checkbox"/> Military Service (Go to item 11)  <input type="checkbox"/> Refund <input type="checkbox"/> Retirement	9b. Claim number(s) [if available]
10. I am applying to make a service credit payment for: <input type="checkbox"/> Civilian Service (Complete item 10)		

List below in chronological order all periods of Federal civilian service. Be sure all your service is listed so that the Office of Personnel Management (OPM) can bill you for the correct amount.

Department or Agency (including bureau, branch or division where employed)	Location of Employment (city and state)	Title of Position	Periods of Service		Check whether deductions were not withheld, withheld and refunded, or withheld and remain to your credit			Put a check mark (✓) in the boxes below, next to the periods of service you want to pay for. (If you do not want to pay for a specific period of service, leave the box blank.)
			Beginning Date (mm/dd/yyyy)	Ending Date (mm/dd/yyyy)	Not Withheld	Withheld and Refunded	Withheld and Not Refunded	

11. Are deductions for the Civil Service Retirement System now being withheld from your salary?  <input type="checkbox"/> Yes (Go to item 13) <input type="checkbox"/> No (Go to item 12)	12. Give the date of separation from your last position under the Civil Service Retirement System  Date of separation (mm/dd/yyyy)
13. Signature of applicant	14. Email address
15. Telephone number (including area code) where you can be reached during the day ( )	16. Date (mm/dd/yyyy)

U.S. Office of Personnel Management  
CSRS/FERS Handbook for Personnel and Payroll Offices

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Standard Form 2803  
Revised June 2013  
Previous editions are not usable.

# Standard Form 2803A

<b>Application To Pay Military Deposit</b> <b>For Military Service Performed After December 31, 1956</b> <i>You must be currently employed and covered under CSRS to make the military deposit.</i> <i>You must complete the deposit in full before the separation on which your retirement benefit will be based.</i>					
Employee's Name		Date of Birth (mm/dd/yyyy)		Social Security Number	
<b>1. Information About Employee's Military Service</b>					
<b>To Be Completed By Employee</b>			<b>Agency Use Only (To Be Completed By Agency HR Office)</b>		
Branch of Military	Period of Service		Does Alternative Deposit Calculation Under USERRA Apply? (Check appropriate box)		Interest Accrual Date (IAD) (mm/dd/yyyy)
	Beginning Date (mm/dd/yyyy)	Ending Date (mm/dd/yyyy)	Yes	No	
			<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	
			<b>Certification:</b> The information entered above is based on official records of this agency and is correct. Agency Official Signature _____ Date (mm/dd/yyyy) _____		
<b>2. Employee's Acknowledgment of Understanding of Military Service Credit and Deposit Rules</b>					
<p>I am currently employed in a position where deductions for the Civil Service Retirement System (CSRS) are being deducted from my salary, and I wish to pay the deposit necessary to obtain credit for my military service after 1956. I understand that I must pay the entire deposit to my employing agency before separation for retirement. I further understand that the military deposit cannot be deemed paid at retirement if I am eligible for and elect an alternative annuity. If I do elect the alternative annuity upon retirement, any completed military deposits made to the Fund will be refunded to me along with any other retirement contributions or payments I made to the Fund. Once I complete the deposit in full, I understand that it can only be refunded to me if I become eligible for a refund of my retirement contributions or retire without waiving my military retired pay (if any).</p> <p>I understand that for any given full period of military service that I have performed, if I do not complete the deposit for that full period of military service, any payments I made that were applied to that full period of military service will be refunded to me when I retire or when I become eligible for a refund of my retirement contributions. I also understand each of the following service credit rules and how they apply to any given full period of military service that I have performed for which I have not completed the military deposit:</p> <ul style="list-style-type: none"> <li>For each period of military service performed after 1956:               <ul style="list-style-type: none"> <li>If the first time I worked in a position where CSRS deductions were withheld from my salary was on or after October 1, 1982, the post-1956 military service will not be used to compute or establish title to CSRS annuity if I do not complete the deposit before I separate for retirement.</li> <li>If the first time I worked in a position where CSRS deductions were withheld from my salary was before October 1, 1982, the post-1956 military service will not be used to compute my annuity at age 62 (or when I retire, if I retire after age 62), if I am eligible for Social Security benefits at that time.</li> </ul> </li> </ul> <p>Finally, I understand that payment of this deposit will not make my military service creditable if it is otherwise not creditable under CSRS. I realize that the Office of Personnel Management (OPM) is solely responsible for adjudicating and administering civil service retirement benefits. I understand that OPM will determine if my military service can be credited in my CSRS retirement when I apply for my retirement benefits.</p>					
Employee's Signature	Email address	Telephone number where you can be reached during the day ( )		Date (mm/dd/yyyy)	
<div>PRINT</div>		<div>SAVE</div>		<div>CLEAR</div>	
Standard Form 2803A June 2013					

# Standard Form 3108



## Application to Make Service Credit Payment Federal Employees Retirement System

Form Approved  
OMB No. 3206-0134

- To avoid a delay in processing your claim:
1. Read the attached information carefully.
  2. Type or print in ink.
  3. Complete Part A in full. If you are currently a Federal employee, have your employing agency complete Part B.

### Part A. To be Completed by the Applicant

1. Name (Last, first, middle)	2. List other names you have used	3. Birthdate (mm/dd/yyyy)
4. Address (Number and street)  (City, state and ZIP Code)	5. Department or agency in which presently or last employed, including bureau, branch, or division	6. Social Security Number
9. Have you previously filed any application under the Federal Employees Retirement System (FERS) or the Civil Service Retirement System (CSRS)? <input type="checkbox"/> Yes, complete items 9a and 9b <input type="checkbox"/> No	9a. Type of application <input type="checkbox"/> Service credit payment <input type="checkbox"/> Return of excess deductions <input type="checkbox"/> Refund <input type="checkbox"/> Retirement	9b. Claim number(s) [if available]

10. I am applying to make a service credit payment for: ☐ Civilian Service (Complete item 10) ☐ Military Service (Go to item 11)

List below in chronological order all periods of Federal civilian service. Be sure all your service is listed so that the Office of Personnel Management (OPM) can bill you for the correct amount.

Department or Agency (including bureau, branch or division where employed)	Location of Employment (city and state)	Title of Position	Periods of Service		Check whether deductions were not withheld, withheld and refunded, or withheld and remain to your credit			Put a check mark (✓) in the boxes below, next to the periods of service you want to pay for. (If you do not want to pay for a specific period of service, leave the box blank.)
			Beginning Date (mm/dd/yyyy)	Ending Date (mm/dd/yyyy)	Not Withheld	Withheld and Refunded	Withheld and Not Refunded	

11. Are deductions for the Federal Employees Retirement System now being withheld from your salary? <input type="checkbox"/> Yes (Go to item 13) <input type="checkbox"/> No (Go to item 12)	12. Give the date of separation from your last position under the Federal Employees Retirement System Date of separation (mm/dd/yyyy)
13. Signature of applicant	14. Telephone number (including area code) where you can be reached during the day ( ) 15. E-mail address 16. Date (mm/dd/yyyy)

U.S. Office of Personnel Management  
CSRS/FERS Handbook for Personnel and Payroll Offices

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Standard Form 3108  
Revised June 2013  
Previous editions are not usable.

# Standard Form 3108A

**Application To Pay Military Deposit**  
**For Military Service Performed After December 31, 1956**

*You must be currently employed and covered under FERS to make the military deposit. You must complete the deposit in full before the separation on which your retirement benefit will be based.*

Employee's Name		Date of Birth (mm/dd/yyyy)		Social Security Number	
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**1. Information About Employee's Military Service**

To Be Completed By Employee			Agency Use Only (To Be Completed By Agency HR Office)				
Branch of Military	Period of Service		Retirement System Rules That Apply to the Service (Check appropriate box)		Does Alternative Deposit Calculation Under USERRA Apply? (Check appropriate box)		Interest Accrual Date (IAD) (mm/dd/yyyy)
	Beginning Date (mm/dd/yyyy)	Ending Date (mm/dd/yyyy)	CSRS	FERS	Yes	No	

Certification: The information entered above is based on official records of this agency and is correct. Agency Official Signature		Date (mm/dd/yyyy)
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**2. Employee's Acknowledgment of Understanding of Military Service Credit and Deposit Rules**

I am currently employed in a position where deductions for the Federal Employees Retirement System (FERS) are being deducted from my salary, and I wish to pay the deposit necessary to obtain credit for my military service after 1956. I understand that I must pay the entire deposit to my employing agency before separation for retirement. I further understand that the military deposit cannot be deemed paid at retirement if I am eligible for and elect an alternative annuity. If I do elect the alternative annuity upon retirement, any completed military deposits made to the Fund will be refunded to me along with any other retirement contributions or payments I made to the Fund. Once I complete the deposit in full, I understand that it can only be refunded to me if I become eligible for a refund of my retirement contributions or retire without waiving my military retired pay (if any).

I understand that for any given full period of military service that I have performed, if I do not complete the deposit for that full period of military service, any payments I made that were applied to that full period of military service will be refunded to me when I retire or when I become eligible for a refund of my retirement contributions. I also understand each of the following service credit rules and how they apply to any given full period of military service that I have performed for which I have not completed the military deposit:

- For each period of military service performed after 1956 that is subject to FERS rules, the post-1956 military service will not be used to compute or establish title to a FERS annuity if I do not complete the deposit before I separate for retirement.
- For each period of military service performed after 1956 that is subject to Civil Service Retirement System (CSRS) rules in a CSRS component of my FERS annuity:
  - If the first time I worked in a position where CSRS deductions were withheld from my salary was on or after October 1, 1982, the post-1956 military service will not be used to compute or establish title to a FERS annuity if I do not complete the deposit before I separate for retirement.
  - If the first time I worked in a position where CSRS deductions were withheld from my salary was before October 1, 1982, the post-1956 military service will not be used to compute my annuity at age 62 (or when I retire, if I retire after age 62), if I am eligible for Social Security benefits at that time.

Finally, I understand that payment of this deposit will not make my military service creditable if it is otherwise not creditable under FERS or CSRS. I realize that the Office of Personnel Management (OPM) is solely responsible for adjudicating and administering civil service retirement benefits. I understand that OPM will determine if my military service can be credited in my FERS retirement when I apply for my retirement benefits.

Employee's Signature	Telephone number where you can be reached during the day ( )	E-mail address	Date (mm/dd/yyyy)
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Standard Form 3108A  
 June 2013

# Summary

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Defined Major Provisions of USERRA & Affects on Employees

Reviewed Creditable Military Service

Discussed USERRA Deposit Rules, Requirements & Deposit Costs

Explained Interest Accrual Dates

Counseling Employees

Forms

Questions & Answers

# Military Deposits Under USERRA

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Questions?



# References

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Title 38 U.S.C, 4301 thru 4335

Title 32 U.S.C.

Title 10 U.S.C.

CSRS and FERS Handbook; Chapters 22, 23

Benefit Administration Letters (BALs) 95-101

Public Law (P.L.) 103-353

Title 5 Code of Federal Regulations (C.F.R.)

GPPA Chapter 15, Placement in Nonpay or Nonduty Status

Defense Finance and Accounting Service - [www.dfas.mil](http://www.dfas.mil)